

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

SMS DEMAG AG

PLAINTIFF

VS.

NO. 3:06CV0060GTE

XTEK, INC.

DEFENDANT

STIPULATED ORDER

The February 16, 2007 Order addresses, among other matters, the sequence and timing of steps leading to the preparation and filing of a Joint Claim Construction Statement by the parties.

In pertinent part, the Order provides:

February 16, 2007	simultaneous exchange by e-mail at noon of the parties' next iteration of claim construction
February 19, 2007	simultaneous exchange by e-mail at noon of the parties' next iteration of claim construction
February 21, 2007	filing of Joint Claim Construction Statement

The Friday, February 16, 2007 simultaneous exchange was delayed for several reasons. SMS required a 4-hour extension, which was agreed to by Xtek, because of weather-related production problems. SMS therefore did not provide SMS's next iteration to Xtek until about 4:00 PM last Friday. In addition, due to e-mail difficulties (apparently at the offices of SMS counsel), Xtek's February 16, 2007 iteration was not received by SMS until re-transmitted by Xtek on Sunday, February 18, 2007. Also, February 19, 2007 was a Federal holiday.

In view of the foregoing, SMS and Xtek have agreed, subject to the consent of the Court, to a schedule concerning the remaining steps to the filing of a Joint Claim Construction Statement and respectfully request that the Court order that the schedule be as follows:

February 22, 2007	simultaneous exchange by e-mail at noon of the parties' next iteration of claim construction
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February 26, 2007 filing of the Joint Claim Construction Statement

The Court grants the request of the parties.

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Dated February 22, 2007.

/s/Garnett Thomas Eisele
United States District Judge